



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/697,206	10/26/2000	Daniel E. H. Afar	G&C 129.21-US-U1

22462  
GATES AND COOPER  
HOWARD HUGHES CENTER  
6701 CENTER DRIVE WEST SUITE 1050  
LOS ANGELES, CA 90045

**FORMALITIES LETTER**

\*OC000000005649006\*

Date Mailed: 01/02/2001

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION****FILED UNDER 37 CFR 1.53(b)*****Filing Date Granted***

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The signature of the following inventor(s) is missing from the oath or declaration:  
*Daniel E.H. Afar & Arthur B Raitano*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):
  - A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-1123
- For CRF Submission Help, call (703) 308-4212
- PatentIn Software Program Support
- - For Technical Assistance, call (703) 287-0200
- - To Purchase PatentIn Software, call (703) 306-2600

- The balance due by applicant is \$ 65.

05/05/2001 HSEBREM1 00000001 500494 09697206 65.00 CH 01 FC:205

*A copy of this notice MUST be returned with the reply.*

*Steen T-6*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Section  
\$  
Box Secy

Due Date: June 2, 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Daniel E.H. Afar et al.	Examiner:	Not yet assigned
Serial No.:	09/697,206	Group Art Unit:	1645
Filed:	October 26, 2000	Docket:	G&C 129.21-US-U1
Title:	NOVEL GENE UPREGULATED IN CANCERS OF THE PROSTATE		

**CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on May 31, 2001.

By: W. J. Wood

Name: William J. Wood

BOX MISSING PARTS  
Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet, in duplicate, containing a Certificate of Mailing under 37 CFR 1.8.
- ☒ Petition for Extension of Time under 37 C.F.R. 1.136 for 3 months.
- ☒ PTO-2038 Credit Card Payment Form for the amount of \$445.00 for the Extension Fee is enclosed herewith.
- ☒ Signed Combined Declaration and Power of Attorney.
- ☒ Form PTO-1533 – Part 2 – Notice to File Missing Parts of Application.
- ☒ PTO-2038 Credit Card Payment Form for the amount of \$65.00 for the Surcharge Fee is enclosed herewith.
- ☒ **Computer readable and paper form of SEQUENCE LISTING. Applicants state that the contents of the paper copy form of the SEQUENCE LISTING section of the present application, and the computer readable form submitted herewith, are the same.**
- ☒ Return postcard.

Please consider this a **PETITION FOR EXTENSION OF TIME** for a sufficient number of months to enter these papers, if appropriate.

Please charge any additional fees or credit any overpayment to Deposit Account No. 50-0494 of Gates & Cooper LLP. A duplicate of this paper is enclosed.

**CUSTOMER NUMBER 22462.**

**GATES & COOPER LLP**  
Howard Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, CA 90045  
(310) 641-8797

By: W. J. Wood

Name: William J. Wood

Reg. No.: 42,236

WJW/sjm

(PTO TRANSMITTAL - GENERAL)

#1655



Please type a plus sign (+) inside this box → [+]

PTO/SB/21 (08-00)

+

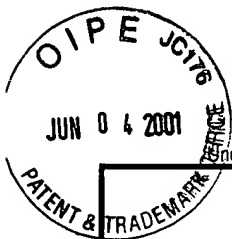
Approved for use through 10/31/02. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number		09/565,241			
		Filing Date		May 3, 2000			
		First Named Inventor		HOGAN et al.			
		Group Art Unit		1655			
		Examiner Name		D. Johannsen			
Total Number of Pages in This Submission				Attorney Docket No.		GP111-02.UT	
<b>ENCLOSURES (check all that apply)</b>							
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Debit Deposit Account - 07-0835  <input checked="" type="checkbox"/> Amendment / Response - <u>9</u> pgs.  <input checked="" type="checkbox"/> Marked-up Version of Claims <u>3</u> pgs.  <input checked="" type="checkbox"/> Ext. of Time Request - <u>3</u> Mo. - <u>1</u> pg.  <input type="checkbox"/> Express Abandonment Request  <input checked="" type="checkbox"/> Stamped/Return Postcard		<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <u>    </u> Sheets <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund		<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Additional Enclosure(s)/Comments (Please identify below):			
		Remarks/Enclosures:  The Commissioner is hereby authorized to debit Deposit Account No. 07-0835 the 3 month extension of time fee due (\$890.00). No claim fees are believed due. However, if Applicants are in error and claims fees and/or any further fees are due, please debit Applicant's Deposit Account the appropriate amount.					
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>							
Firm or Individual name		GEN-PROBE INCORPORATED					
Signature							
Date		May 29, 2001					
<b>CERTIFICATE OF MAILING</b>							
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on the date indicated below.							
Type or printed name		Michael J. Gilly					
Signature				Date		May 29, 2001	

+

SEND TO: Commissioner for Patents, Washington, D.C. 20231



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

## Complete if Known

Application Number	GP111-02.UIT
Filing Date	May 3, 2000
First Named Inventor	HOGAN et al.
Group Art Unit	1655
Examiner Name	D. Johannsen
Attorney Docket No.	GP111-02.UT

TOTAL AMOUNT OF PAYMENT (\$)**890.00**

## METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account No. **07-0835**  
Deposit Account Name **Gen-Probe Incorporated**

☒ Charge any additional fee required under 37 CFR 1.16 and 1.17

2. ☐ Payment Enclosed: ☐ Check

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Filing Fee Description	Fee Paid
101	710	Utility	
106	320	Design	
114	150	Provisional	
108	710	Reissue	

SUBTOTAL (1) **\$ 0.00**

### 2. EXTRA CLAIM FEES

	Currently Pending	Already Paid For	Fee From Below	Fee Paid
Total Claims	<b>30</b>	<b>52</b>	x	<b>0.00</b>
Ind. Claims	<b>06</b>	<b>03</b>	x	<b>0.00</b>
Multiple. Dependent				

Large Fee Code	Entity Fee (\$)	Fee Description
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103	18	Claims in excess of 20
102	80	Independent claims in excess of 3
104	270	Multiple dependent claim, if not paid
109	80	**Reissue independent claims over original patent
110	18	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) **\$ 0.00**

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Fee Code	Large Entity Fee (\$)	Description	Fee Paid
105	130	Surcharge - late filing fee or oath.....	
127	50	Surcharge - late provisional filing fee or cover sheet.....	
139	130	Non-English specification .....	
147	2,520	Filing a request of <i>ex parte</i> reexamination .....	
112	920*	Requesting publication of SIR prior to Examiner action...	
113	1,840*	Requesting publication of SIR after Examiner action.....	
115	110	Extension for reply within first month .....	
116	390	Extension for reply within second month .....	
117	890	Extension for reply within third month .....	<b>890.00</b>
118	1,390	Extension for reply within fourth month .....	
128	1,890	Extension for reply within fifth month .....	
119	310	Notice of Appeal .....	
120	310	Filing a brief in support of an appeal .....	
121	270	Request for oral hearing .....	
138	1,510	Petition to institute a public use proceeding .....	
140	110	Petition to revive - unavoidable .....	
141	1,240	Petition to revive - unintentional .....	
142	1,240	Utility issue fee (or reissue).....	
143	440	Design issue fee.....	
144	600	Plant issue fee.....	
122	130	Petitions to the Commissioner .....	
123	130	Petitions related to provisional applications.....	
126	180	Submission of Information Disclosure Statement.....	
581	40	Recording each patent assignment per property (Times number of properties / applicants).....	
146	710	Submission after final rejection (37 CFR § 1.129(a)).....	
149	710	Each add'l invention to be examined (37 CFR § 1.129(b))...	
179	710	Request for Continued Examination (RCE).....	
169	900	Request for expedited examination - design application..	
Other fee (specify).....			

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) **\$ 890.00**

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Michael J. Gilly	Registration No.	42,579	Telephone	(858)410-8657
Signature				Date	May 29, 2001